

LAW OFFICES OF  
MOSCONE, EMBLIDGE & QUADRA, LLP  
180 Montgomery Street, Suite 1240  
San Francisco, California 94104-4238  
Tel: (415) 362-3599  
Fax: (415) 362-7332

June 4, 2003

**Via Federal Express**

Robert Alba  
Clerk to the Honorable Patti B. Saris  
United States District Court, District of Massachusetts  
One Courthouse Way, Courtroom 13  
Boston, MA 02210

RE: *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL 1456  
*Rice v. Abbott Laboratories*, NDCA Case No. 03-3925 MJJ  
*Thompson v. Abbott Laboratories*, NDCA Case No. 3:02-4450 MJJ

Dear Mr. Alba:

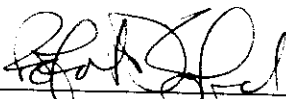
This firm represents Plaintiffs John Rice and Constance Thompson in the above-referenced cases. On May 6, 2003, the Court denied Defendant Fujisawa USA, Inc.'s motion to dismiss and ordered Plaintiffs to serve Fujisawa by June 20, 2003. We attempted service on Fujisawa USA's agent for service of process in California, but the agent refused to accept service because Fujisawa USA is no longer an active corporation. We believe that Fujisawa USA, Inc. is a defunct Delaware corporation succeeded by Fujisawa Healthcare, Inc., a Delaware corporation with its principal place of business in Illinois.

Fujisawa Healthcare, Inc. is not presently named as a defendant in the *Rice* or *Thompson* cases. In order to serve Fujisawa USA, Inc., Plaintiffs desire to amend their complaints to add Fujisawa Healthcare, Inc. as a defendant and to have summonses issued for Fujisawa Healthcare, Inc. Pursuant to Federal Rule of Civil Procedure 21, a party may be added to an action by motion or by Court "on its own initiative." If directed by the Court, Plaintiffs will file a motion. Assuming a motion is unnecessary, I enclose a joinder and new summonses for Fujisawa Healthcare, Inc., along with a return envelope. As soon as we receive the summonses, we will immediately serve process in order to meet the June 20 deadline.

Your attention to this matter is greatly appreciated.

Sincerely,

MOSCONE, EMBLIDGE & QUADRA, LLP

By   
Robert D. Sanford

cc: Kathleen H. McGuan, Attorney for Fujisawa Healthcare, Inc.  
Edward Notargiacomo, Lead Counsel for Plaintiffs